

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3606

IN THE MATTER OF:

Served February 5, 1991

Application of RAPIDTRANS, INC., )  
for Temporary Authority to Conduct )  
Charter Operations Pursuant to )  
Contract with D.C. CHARTERED HEALTH )  
PLAN, INC. )

Case No. AP-90-28

By Order No. 3558, served September 17, 1990, the Commission conditionally granted the above-captioned application, contingent upon compliance with the requirements of that order within 30 days of its issuance. On October 17, 1990, Rapidtrans, Inc. (applicant), filed a motion for a 45-day extension of time to comply. The extension was granted by Order No. 3580, served October 19, 1990. That order extended the compliance period through December 3, 1990. Applicant failed to effect compliance or seek a further extension by December 3, 1990. On December 4, 1990, the Commission's Executive Director advised applicant by letter that its application stood denied in its entirety according to the terms of Order Nos. 3558 and 3580.

On December 31, 1990, applicant filed a motion for reconsideration. Along with the motion, applicant filed an affidavit of identification of vehicles, its WMATC Temporary Tariff No. AP-90-28, an equipment list showing five vehicles, leases for the five vehicles, and a certificate of insurance. These were the items required to be filed according to Order No. 3558. However, the equipment list was missing certain information, the leases required approval by the Commission because they were not in conformance with Regulation No. 69, the tariff was incomplete, and the certificate of insurance was not acceptable under Regulation No. 62. On January 3, 1991, applicant supplemented its motion for reconsideration with a corrected tariff. On January 22, 1991, applicant further supplemented its motion for reconsideration with an acceptable certificate of insurance and a corrected equipment list. The motion for reconsideration requests reinstatement of the grant of temporary authority through March 16, 1991.

The Compact, Title II, Article XIII, Section 4(a), provides:

A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for such reconsideration.

The "final order or decision of the Commission" in this case was Order No. 3558, served September 17, 1990. The motion for reconsideration filed December 31, 1990, and supplemented January 3, 1991, and January 22, 1991, will be dismissed as untimely filed. Even if the motion for reconsideration had been timely filed, it fails to specify any error of fact or law by the Commission as grounds for reconsideration and, for that reason, could not be granted.

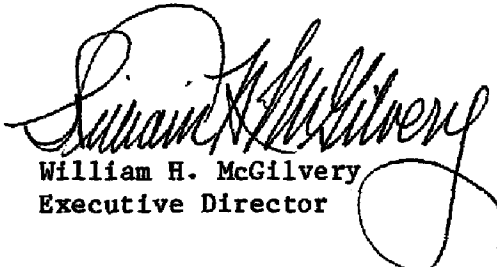
However, the Commission notes that applicant has now filed all of the materials required by Order No. 3558. The Commission acknowledges applicant's explanation of the problems it encountered in filing these documents earlier, although applicant shows no good cause for failure timely to request an extension of time. Nevertheless, the Commission believes that the conditions of fact relating to the filing of required documentation have so changed that the public interest requires the reopening of this proceeding pursuant to Commission Rule No. 27-02.

Upon reopening, the Commission notes that, in order to proceed with the transportation service the Commission originally found meritorious, applicant now lacks only approval of its leases and notice to proceed.

THEREFORE, IT IS ORDERED:

1. That the motion for reconsideration filed by Rapidtrans, Inc., is hereby dismissed.
2. That the Commission, on its own initiative, hereby reopens Case No. AP-90-28 pursuant to Commission Rule No. 27-02.
3. That the equipment leases filed by Rapidtrans, Inc., on January 3, 1991, are hereby approved.
4. That temporary authority to conduct transportation service specified in Order No. 3558, shall become effective on the date of this order and shall remain in effect through March 16, 1991, unless otherwise ordered by the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director